

Notice of Allowability

Application No.

10/748,839

Examiner

Alicia Chevalier

Applicant(s)

MILLER, DRAYTON

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the Appeal Brief filed September 27, 2006.
2. ☒ The allowed claim(s) is/are 1 and 3-6.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20061208.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☒ Other Drawings 12/30/03 acceptable.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Paul Bianco on December 8, 2006.

Due to the confusion of the non-compliant amendments filed after file on August 7, 2006 and August 24, 2006 the claims for allowance purpose have been amended to the following:

Claim 1. A box for shipping temperature sensitive or perishable goods comprising a wall structure consisting of a double walled combined web having an inside barrier layer composed of metallized plastic film, a first paper liner bonded to said inside barrier layer, a first paper flute medium bonded to the first paper liner, an outside barrier layer composed of metallized plastic film, a second paper liner bonded to the outside barrier layer, a second paper flute medium bonded to the second paper liner, and a sandwich of a barrier layer composed of metallized plastic film bonded between third and fourth paper liners, said flute mediums bonded, respectively, to the third and fourth paper liners.

Claim 2. Has been cancelled.

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Claim 3. A box for shipping temperature sensitive or perishable goods according to claim 1 wherein the metallized plastic film is a polyester film.

Claim 4. A box for shipping temperature sensitive or perishable goods according to claim 1 wherein the bonding being effected by a water resistant starch.

Claim 5. A box for shipping temperature sensitive or perishable goods according to claim 1 further comprising a divider for dividing the interior of the box into two compartments comprising a flat member made from a double walled combined web like the box.

Claim 6. A box for shipping temperature sensitive or perishable goods comprising a wall structure consisting of a double walled combined web having an inside layer of metallized polyester film, a first 57# kraft liner bonded to said inside layer of metallized polyester film, a first 33# flute medium bonded to the first liner, an outside layer of metallized polyester film, a second 57# kraft liner bonded to the outside layer of metallized polyester film, a second 33# flute medium bonded to the second liner, and a sandwich of metallized polyester film bonded between third and fourth 26# kraft liners, said flute mediums bonded, respectively, to the third and fourth liners.

Examiner's Comment

3. Regarding the terms "57#" "33#" and "26#" in claim 6, one of ordinary skill in the art would recognize that it represents the basis weight of the kraft paper board. As seen by the

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Dictionary of paperboard basis weight is expressed in pounds per 100 square feet. Therefore, one skilled in the art would recognize that 57# represents 57 pounds ore 100 square feet etc.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Chevalier whose telephone number is (571) 272-1490. The examiner can normally be reached on Monday through Friday from 8:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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12/11/06

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ALICIA CHEVALIER
PRIMARY EXAMINER